

REMARKS

Claims 1-4 and 6-19 remain in the application. Claims 1 and 7 have been amended hereby, and claim 5 has been cancelled, without prejudice or disclaimer. The claims have been carefully reviewed and amended with particular attention to the points raised in the Office Action.

It is submitted that no new matter has been added and no new issues have been raised by the present amendment.

Reconsideration is respectfully requested of the objection to the claim 7 as allegedly containing informalities.

The instance noted in the Office Action has been corrected in the amendments made to the claims hereby.

Withdrawal of the objection to claim 7 is respectfully requested.

Applicants acknowledge the indication in the Office Action that claim 5 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is respectfully submitted that the elements of claim 5 have been incorporated into independent claim 1 by the present amendment.

Reconsideration is respectfully requested of the rejection of claims 1-2, 4, 6-7, and 10-19 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,787,171 (Kubota et al.).

Applicants have carefully considered the comments of the

Office Action and the cited references, and respectfully submit that claims 1-2, 4, 6-7, and 10-19 are patentably distinct over the cited reference for at least the following reasons.

The present invention relates to a reproducing apparatus and information distribution system. Data are coded and managed for copyright protection after evaluation of an encryption key. Movement of the data is permitted based upon a result of the evaluation. The system also allows for copying of data recorded in a server to a terminal apparatus. The terminal apparatus may reproduce the data, and render data on the server reproducible when the terminal apparatus is connected to the server.

Kubota et al., as understood by Applicants, relates to a data transmitter for preventing illegal reception of transmitted data by scrambling the data and to a data receiver adapted to descramble the received data. The data transmitter comprises a data source where predetermined data to be transmitted are stored, a circuit for generating a scramble program and control data, a circuit for scrambling the predetermined data in accordance with the scramble program, a circuit for generating a descramble program, and a circuit for transmitting the scrambled data, the descramble program, and the control data to the data receiving terminal.

The control data include a scramble key, and the scrambled data are transmitted via a satellite network or a CATV network. The descramble program is transmitted via a telephone line. The data receiver is equipped with a circuit

for descrambling the received data in accordance with the descramble program, and a circuit for compiling an intermediate code that is included in the descramble program into a machine code.

The Office Action states that Kubota et al. discloses a reproducing apparatus including, *inter alia*, judging means, output means, and control means (see Office Action, p. 3, lns. 1-11).

It is respectfully submitted; however, that Kubota et al. does not disclose or suggest a reproducing apparatus for moving main data that has been subjected to reproduction-restrictive coding, comprising storing means, input means, judging means, first output means for outputting received main data to the second recording medium, second output means for informing the first recording medium of permission or prohibition of movement of the main data and completion of the movement of the main data, and control means for causing the output means to output the main data to the second recording medium when the judging means judges that the main data can be decoded, and for prohibiting the output means from outputting the main data when the judging means judges that the main data cannot be decoded, wherein the control means causes the second output means to inform the first recording medium of permission of movement of the main data and thereby causes output of the main data when the judging means judges that the main data can be decoded, and causes the second output means to inform the first recording medium of completion of the movement and thereby causes erasure of the main data from the

first recording medium when the movement of the main data is completed, as recited in amended independent claim 1.

Additionally, the Office Action cites Fig. 7, label 5 of Kubota et al. as allegedly disclosing output means (see Office Action, p. 3, lns. 4-5). As understood by Applicants, Fig. 7 of Kubota et al. illustrates a flow chart showing a concrete operation procedure (see Kubota et al., col. 3, lns. 14-16).

It is respectfully submitted that Fig. 7 of Kubota et al. contains neither an illustration nor a suggestion of output means. Furthermore, it is submitted that neither Fig. 7, nor the remainder of Kubota et al., disclose or suggest first output means for outputting the main data received by the input means to the second recording medium and second output means for informing the first recording medium of permission or prohibition of movement of the main data and completion of the movement of the main data, as recited in amended independent claim 1.

Regarding independent claim 10, the Office Action states that Kubota et al. discloses, inter alia, judging means for judging whether the terminal apparatus is connected to the server apparatus (see Office Action, p. 5, lns. 20-21).

Applicants respectfully disagree.

The Office Action cites col. 11, lns. 35-38 as allegedly disclosing judging means (see id.). As understood by Applicants, the cited section of Kubota et al. relates to the setting of a communication line between the data receiving terminal and the data transmitting station for transmission of the selected data ID and the unique identification code (see

Kubota et al., col. 11, lns. 26-51). The communication line is set based upon whether the program having a decoding function is existent in the entire data stored in the memory device (see id.). Existence of the program is confirmed on the basis of whether a coincidence is attained between the program ID and the data ID (see id.).

In contrast, the judging means of the present invention judges whether the terminal apparatus is connected to the server apparatus. The result of the judgment determines reproducibility of the main data.

In the present invention, the terminal apparatus can decode and reproduce the main data recorded on the server apparatus only when its connection to the server apparatus is confirmed (see specification of the present application, p. 77, ln. 22 to p. 78, ln. 19). In a state in which the terminal apparatus and the server apparatus are separated and connection to the server apparatus cannot be confirmed, main data recorded in the terminal apparatus are decoded and reproduced, allowing the terminal apparatus to be used as a reproduction apparatus (see id.). When connection to the server apparatus can be performed, main data on the server apparatus can be reproduced (see id.).

It is respectfully submitted that Kubota et al. does not disclose or suggest an information distribution system comprising a server apparatus being connected to a terminal apparatus for supplying coded main data to the terminal apparatus, the server apparatus including memory means and transmitting means for transmitting the coded main data to the

terminal apparatus, and the terminal apparatus including receiving means, recording means, decoding means, judging means for judging whether the terminal apparatus is connected to the server apparatus, and control means for controlling the decoding means to decode the received coded main data when the judging means judges that the terminal apparatus is connected to the server apparatus and for controlling the decoding means to decode the coded main data recorded in the recording means when the judging means judges that the terminal apparatus is not connected to the server apparatus, as recited in independent claim 10.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claims 1 and 10, and the claims depending therefrom, are patentable over the cited reference.

Withdrawal of the rejection of claims 1-2, 4, 6-7, and 10-19 is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 3, 8, and 9 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Kubota et al. in view of U.S. Patent No. 6,367,019 (Ansell et al.).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 3, 8, and 9 are patentably distinct over the cited reference for at least the following reasons.

Ansell et al.; as understood by Applicants, relates to copy security for portable music players. Data such as a musical track are stored as a secure portable track (SPT) that

can be bound to one or more players or to a particular storage medium to restrict playback of the SPT. The SPT is bound to a player by encrypting data of the SPT using a storage key that is unique to the player, is difficult to change, and is held in strict secrecy by the player. The SPT is bound to a particular storage medium by including data uniquely identifying the storage medium in a tamper-resistant form. The SPT can also be bound to the storage medium by embedding cryptographic logic circuitry in the packaging of the storage medium.

The SPT is bound by encrypting an encryption key using the embedded logic such that only the particular storage medium can decrypt the encryption key and the data of the SPT encrypted with the encryption key. To allow a user to playback the SPT on a number of players, players can share storage keys with one another in a cryptographically secure manner. The ability of the external player to enforce restrictions placed upon the SPT is verified before downloading an SPT to a particular external player.

It is respectfully submitted, however, that neither Kubota et al. nor Ansell et al., alone or in combination, disclose or suggest a reproducing apparatus for moving main data that has been subjected to reproduction-restrictive coding, comprising storing means, input means, judging means, first output means for outputting received main data to the second recording medium, second output means for informing the first recording medium of permission or prohibition of movement of the main data and completion of the movement of

the main data, and control means for causing the output means to output the main data to the second recording medium when the judging means judges that the main data can be decoded, and for prohibiting the output means from outputting the main data when the judging means judges that the main data cannot be decoded, wherein the control means causes the second output means to inform the first recording medium of permission of movement of the main data and thereby causes output of the main data when the judging means judges that the main data can be decoded, and causes the second output means to inform the first recording medium of completion of the movement and thereby causes erasure of the main data from the first recording medium when the movement of the main data is completed, as described above and as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that amended independent claim 1, and the claims depending therefrom, are patentable over the cited references.

Withdrawal of the rejection of claims 3, 8, and 9 is respectfully requested.

Should the Examiner disagree, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention, as recited in the amended claims.

The Office is hereby authorized to charge any additional

fees which may be required in connection with this Amendment
and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP



Jay H. Maioli
Reg. No. 27,213

JHM/AVF